

REMARKS

By the present amendment, Applicant proposes to amend claims 1 and 17-20. Claim 1 was amended to define the terms “sponsor” and “behavior”, claim 17 was amended to further define sponsor, claim 18 was amended to be in line with the present amendments, claim 19 was amended to define the terms “sponsor” and “behavior” and claim 20 was amended to add a period. Claims 1-20 remain pending. Claims 1 and 19 are independent claims.

In the Office Action of January 10, 2008, the Examiner rejected claims 1-4, 6-17, 19 and 20 under 35 U.S.C. 102(e) as being anticipated by Boyd (US 2004/0193489), claim 5 under 35 U.S.C. 103 as being unpatentable over Boyd, and claim 18 as being unpatentable over Boyd in view of Goldhaber (5,855,008).

Applicant has amended both independent claims 1 and 19 to obviate the grounds of rejection of record made using Boyd and Goldhaber. Applicant will advance arguments hereinbelow to illustrate the manner in which the presently amended claims is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

Amended independent claims 1 and 19 explicitly states the user is awarded points for the behavior of “learning about the sponsor.” The amendment is supported by the specification wherein “the consumer engages in interactive and participatory learning in exchange for points, see [0028]. Here the consumer is rewarded for learning about the specific merchants products, see [0028]. In fact, both claims 1 and 19 specifically exclude behavior involving the purchase of goods or services by the user. Amended claims 1 clearly defines sponsor as comprising a merchant and amended claim 19 defines sponsor as comprising a merchant, a school, an employer, a doctor and a recruiter, see [0017]. These types of sponsors receive a direct benefit when users learn about their products or offerings. Users then exclusively redeem the points awarded for learning about the sponsor from the sponsor.

In contrast to the currently amended claims, the reference to Boyd teaches points as being part of an incentive program. Boyd defines loyalty incentive programs as awarding

"purchase points" to those consumers who take certain purchasing actions, see [0006] in Boyd. Boyd also teaches combining online and offline actions to earn points. The offline action repeatedly cited in Boyd is purchasing a soft drink and matching a code under the cap to a website. Furthermore, Boyd describes earning points through an auction sale, see [0107] and [0110]. The invention in Boyd is directed to improving purchase (loyalty incentive) points, see [0016] and [0025], so consumers may earn points for making purchases.

The presently amended claims 1 and 19, clearly limits the awarding of points to behavior that excludes making purchases. Here users are rewarded for learning about what the sponsor has to offer be the sponsor a merchant, a school, an employer, a doctor and a recruiter. For instance, a school may give rewards to potential students who interact with that school's web site in a way that increases the chances that the school will obtain a desired student body. Additionally, an employer may benefit from awarding points to employees for participating in that company's performance management programs such as performance reviews, goals and mentoring. Still further, doctors can offer reward points to patients for following a prescribed drug or rehabilitation regime, or the program can be used for recruitment and retention of service personnel such as police, fire, nurses and military. See [0017]. The purpose of the present invention is to "motivate the behavior of users to the sponsor's benefit, regardless of whether a commercial relationship or potential commercial relationship exists,," see [0019] and "learning about the merchant's product" or offerings. See [0028].

In addition, Boyd intertwines incentive point with an auction system. "Auctions" clearly refer to making purchases. The auction system uses points as payment units and equates the points to money to bid on auction goods. See [0128] and [0169]. In Boyd, consumers use earned points to make purchases in auctions. Boyd exclusively ties the invention to a Yahoo Auction System (Yahoo), which has relationships with multiple merchants who provide goods to Yahoo for auction. These auctions offer goods of multiple merchants to consumers for purchase. Therefore, consumers are not earning points for learning about a sponsor as claimed in currently amended claims 1 and 19. Yahoo is neither a

sponsor as defined by the presently amended claims nor an agent for the sponsor, as admitted by the Examiner.

Finally, consumers are not redeeming points exclusively from the sponsor. Boyd specifically states Yahoo points can only be redeemed at Yahoo's website. [0166]. As stated above, Yahoo is not a sponsor within the language of the presently amended claims. Therefore the points earned in Boyd are redeemed from a third party, Yahoo, or a plurality of other merchants having some contractual relationship with Yahoo, see [0166], but not redeemed from by sponsor. In contrast, the presently amended claims state points are redeemed exclusively through the sponsor. Here the sponsor is defined as a merchant, a school, an employer, a doctor and a recruiter and points are earned for learning about the sponsor and not for making purchases. Boyd fails to anticipate the presently amended claims.

The reference to Goldhaber fails to supplement the deficiencies of Boyd. Examiner used Goldhaber to teach the sponsor using a program manager as an agent of the sponsor. Goldhaber largely teaches agents working on behalf of the consumer. "These software agents 110 perform tasks at the direction of the consumers who own computers 104." Col. 9 l. 53-55. Goldhaber also mentions an agent "actively seeking out their potential audience, but the agents work on behalf of writers, film makers, journalists, musicians, graphic artists. The present invention describes the agent, or program manager, working to "establish the connectivity, or implement the rewards-based programs, or both." Here, the agent is a motivator, specifically a specialist in rewards-based user motivation, see [0019].

Accordingly, it is respectfully submitted that all remaining claims are patentably distinct from the references of record, either alone or in combination, and passage to issue of all pending claims is respectfully requested.

Respectfully submitted,

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